

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC.  
and SAMSUNG SEMICONDUCTOR, INC.,

Defendants.

Civil Case No. 2:21-CV-463-JRG

**JURY TRIAL DEMANDED**

**JOINT MOTION TO AMEND  
THE DOCKET CONTROL ORDER**

Plaintiff Netlist, Inc. (“Netlist”) and Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung Semiconductor, Inc. (collectively “Samsung”) (collectively “the Parties”) respectfully file this Joint Motion to Amend the Docket Control Order (Dkt. No. 34; Dkt. No. 109, Dkt. No. 129; Dkt. No. 184).

The Parties respectfully request that the Court Amend the Docket Control Order as proposed below:

Original deadline	Proposed deadline	Event
May 1, 2023	No Change	Jury Selection – 9:00 a.m. in <b>Marshall, Texas</b>
April 3, 2023	No Change	* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date.
March 27, 2023	No Change	*Pretrial Conference – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Rodney Gilstrap
March 20, 2023	No Change	*Notify Court of Agreements Reached During Meet and Confer  The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
March 20, 2023	No Change	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations
March 13, 2023	No Change	*File Notice of Request for Daily Transcript or Real Time Reporting.  If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shawn McRoberts, at <a href="mailto:shawn_mcroberts@txed.uscourts.gov">shawn_mcroberts@txed.uscourts.gov</a> .
March 10, 2023	No Change	File Motions <i>in Limine</i>  The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
March 6, 2023	No Change	Serve Objections to Rebuttal Pretrial Disclosures

February 27, 2023	No Change	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
February 13, 2023	No Change	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
February 17, 2023	No Change	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV- 7(e), not to exceed the deadline as set forth in this Docket Control Order. Motions for Summary Judgment shall comply with Local Rule CV-56.
February 3, 2023	No Change	*File Motions to Strike Expert Testimony(including <i>Daubert</i> Motions)  No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
February 3, 2023	No Change	*File Dispositive Motions  No dispositive motion may be filed after this date without leave of the Court.  Motions shall comply with Local Rule CV-56 and Local Rule CV-7. Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.
February 3, 2023	February 10, 2023	Deadline to Complete Expert Discovery for Infringement and Validity Expert(s) in connection with the '918, '054, '506, and '339 patents, including Mr. Halbert and rebuttal thereto.
February 3, 2023	February 10, 2023	Deadline to Complete Expert Discovery as to Samsung's Non-Infringement Expert in connection with U.S. Patent Nos. 8,787,060 and 9,318,160; Samsung's Damages-Related Experts; Netlist's Expert(s) in connection with U.S. Patent Nos. 8,787,060

		and 9,318,160; and Netlist's Damages-Related Experts.
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The parties understand that the deadlines that they request the Court to amend require a showing of good cause. Specifically, the parties seek to amend the deadlines to complete expert discovery to conduct depositions of both parties' expert witnesses and accommodate expert deposition scheduling challenges faced by both parties. The parties therefore respectfully request the deadline for expert discovery be moved from February 3, 2023 to February 10, 2023, as set forth above.

Dated: February 1, 2023

/s/ Jason Sheasby

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Date: February 1, 2023

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on February 1, 2023. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Michael Tezyan

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rules CV-7(h) and (i), counsel for the parties met and conferred via email on the issues raised in this joint motion.

/s/ Michael Tezyan